

# WISCONSIN LEGISLATIVE COUNCIL STAFF

## RULES CLEARINGHOUSE

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## CLEARINGHOUSE RULE 00-103

### Comments

**[NOTE:** All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated September 1998.]

### 2. Form, Style and Placement in Administrative Code

a. The statutes cited in the analysis accompanying the rule as authorizing rule-making should be listed in ascending order.

b. Since SECTION 1 in the rule repeals and recreates various subunits in s. NR 10.01 (1), the department should consider whether to include in this rule other formatting changes in s. NR 10.01 (1) to conform this subsection with the preferred drafting style. These changes include:

- (1) Consecutively numbering all subunits in a list. See, for example, the list of subparagraphs in s. NR 10.01 (1) (g) 1., that excludes subpars. (b) and (j).
- (2) Providing the same treatment of all paragraphs in s. NR 10.01 (1). Paragraphs (b), (c), (e), (f) and (g) are all contained within Table 1 whereas pars. (u) (intro.) and (v) contain full text outside of Table 1.

c. Section NR 10.01 (1) (g) 2. uses the slashed alternative “snow/blue,” contrary to s. 1.01 (9) (a), Manual.

d. A strike-through indicating deletion of text should apply to an entire word and not part of a word. In particular, s. NR 10.12 (5) (d) 1. should include “. . . ~~shotshell loaded with any material~~ shot, either . . .” rather than “~~shotshell loaded with any material, either~~ . . .”

**4. Adequacy of References to Related Statutes, Rules and Forms**

The reference in s. NR 10.12 (1) (h) to regulations of the U.S. Fish and Wildlife Service relating to baiting in 50 C.F.R. s. 20.21 is vague, as s. 20.21 contains 12 paragraphs and only one of the paragraphs relates to baiting. The reference should be to 50 C.F.R. 20.21 (i).

**5. Clarity, Grammar, Punctuation and Use of Plain Language**

a. The summary of SECTION 4 in the analysis accompanying the rule indicates that this SECTION allows Canada goose hunters to attach goose kill permits to the neck or leg of a harvested goose. The analysis would be clearer if it indicated that this provision only applies to Canada goose hunters in the Horicon and Collins zones due to the limitation in s. NR 1.25 (3) (a) (intro.).

b. Is the introduction to s. NR 10.01 (1) (u) 1. correct? It indicates that all species of wild duck are regulated under sub. (1) (u). However, it appears that all species of wild duck are to be regulated under s. NR 10.01 (1) (b).

c. “Nontoxic” should be used consistently throughout the rule. Section NR 10.12 (5) (d) (title) uses “non-toxic” whereas s. NR 10.15 (5) (d) 1. and 2. use “nontoxic.”